

LEGAL SEPARATION WITHOUT CHILDREN

4

The Court Order

Part 4: To get the Legal Separation Order
(Forms Packet)



SELF SERVICE CENTER

COURT ORDER LEGAL SEPARATION

Part 4: To Get the Legal Separation Order Without Children (Forms Only)

This packet contains court forms to get the court order for legal separation without children. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRLSA8ft	Table of forms in this packet	1
2	DRLSA8k	Checklist to file for legal separation	1
3	DRLSA81f	<i>“Decree of Legal Separation--Without Children”</i>	7
4	DRS82f	<i>“Order of Assignment”</i>	1
5	DRS89f	<i>“Judgment Data Sheet”</i>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

**SELF-SERVICE CENTER
LEGAL SEPARATION WITHOUT CHILDREN**

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You or your spouse filed a Petition for Legal Separation Without Children, AND
- ✓ You and your spouse have no children with each other AND the wife is not pregnant by the husband or will not be pregnant by the husband before the legal separation decree is signed by the judge, AND
- ✓ You are ready to complete the court papers to get a legal separation decree, AND
- ✓ You are going to a default hearing, or you have filed the papers to get a default legal separation without a hearing, or you are going to a legal separation trial.

READ ME: Before filing documents with the Court, consult a **lawyer** to help guard against undesired and unexpected consequences. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or from our web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Person Filing Document: (A) _____
 Address: _____
 City, State, ZIP Code: _____
 Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney's Bar Number (if applicable): _____
 Representing ☐ Self (Without Attorney) OR
 Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

Case Number: _____ (C)

 (B)
 Petitioner)

DECREE OF LEGAL SEPARATION (Without Children)

 Respondent

THE COURT FINDS: (D)

1. This case has come before this court for a final Decree of Legal Separation. The court has taken all testimony needed to enter a final Decree, or has determined testimony is not needed to enter the final Decree.
2. This court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.
3. The court finds:
 - (a) At the time this action was filed, one of the parties lived in Arizona, or had lived in Arizona while a member of the United States Armed Forces.
 - (b) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
 - (c) The marriage is irretrievably broken or one or both parties desire to live separate and apart
 - (d) The other party does not object to the decree of legal separation.
 - (e) Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to the issue of spousal maintenance, and the division of property and/or debts.
 - (f) ☐ The parties did not acquire any community property or debts during the marriage;
OR
☐ There is no agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.
 - g) ☐ Wife is not pregnant; **OR**
☐ Wife is pregnant, and the other party (husband) IS NOT the father of the child.

- (h) ☐ The Petitioner, **OR**
☐ The Respondent

Lacks enough property, including property given to him or her as part of this legal separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that he or she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age which may severely limit the possibility of getting a job in order to support himself or herself.

THE COURT ORDERS: (E)

1. **The parties are legally separated.**
2. **ENFORCEMENT OF TEMPORARY ORDERS:** All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____
 shall be satisfied in full or judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, together with the highest legal interest allowed by law.
3. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
 - (a) ☐ Neither party shall pay spousal maintenance/(alimony) to the other party; **OR**
 - (b) ☐ Petitioner, **OR**
☐ Respondent
 Is ordered to pay ☐ Respondent, **OR** Petitioner the sum of \$ _____ per month spousal maintenance **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is deceased or until _____.(date). All payments shall be made through the Support Payment Clearinghouse by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in the receiving spouse's taxable income and are tax deductible from the paying spouse's income as required by law.
4. **PROPERTY AND DEBTS:**
 - (a) ☐ Petitioner is ordered to pay all debts unknown to Respondent.
 - (b) ☐ Respondent is ordered to pay all debts unknown to Petitioner.
 - (c) ☐ Each party is ordered to pay his or her debts which he or she incurred since the date of the parties' separation, _____ (date).
 - (d) ☐ Other orders and relief relating to community property or debts are contained in Exhibit A relating to the division of community property and debts, which is attached and incorporated into and made a part of this Decree.
 - (e) ☐ Each party is assigned his or her separate property as contained in Exhibit A relating to the separate property and debts, which is attached and incorporated and made a part of this Decree.
 - (f) ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and bank accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

Case No. _____

If the party required to transfer the property has not transferred the property to the other party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- (g) ☐ For previous calendar years, the parties shall file
☐ joint federal and state income tax returns and hold the other harmless from of all additional income taxes, if any, and other costs, and each shall share equally in any refunds, **OR**
☐ separate federal and state income tax returns.

AND

- ☐ This calendar year and continuing thereafter,
☐ joint federal and state income tax returns and hold the other harmless from half of all additional income taxes and other costs, if any, and each shall share equally in any refunds, if any, **OR**
☐ separate federal and state income tax returns.

AND

Each party shall give the other party all necessary documentation to file all tax returns.

5. **LIMITATION ON JURISDICTION:** This court cannot make a legal order, without personal service on the Respondent, with respect to issues of community property and debt or spousal maintenance.

DONE IN OPEN COURT this _____ day of _____, _____. **(F)**

JUDGE OR COURT COMMISSIONER

If this Decree was issued as a "Default," and the Petitioner served the papers to begin this case by any means *other than* by publication, a copy of this Decree must be mailed or delivered to the Respondent. You must tell the court you will do this.

By signing below, the Petitioner states to the Court that I have or will send or deliver of copy of this Decree to the Respondent at:

Respondent's Name:

Mailing Address:

City, State Zip Code:

By: (Petitioner's Name)

Date:

EXHIBIT A:PROPERTY AND DEBT (G)

1. DIVISION OF COMMUNITY PROPERTY:

☐ The following community property is awarded to each party as follows:

2. LIST OF COMMUNITY PROPERTY. (Be specific) AWARDED TO:

	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Appliances	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> VCR/DVD	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> TV	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Personal Computer	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stereo	<input type="checkbox"/>	<input type="checkbox"/>
State Income Tax	<input type="checkbox"/>	<input type="checkbox"/>
Federal Income Tax	<input type="checkbox"/>	<input type="checkbox"/>
Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>

Award each party the personal property in his or her possession.
Continued on reverse side or see attached list.

3. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION WARNING. You should see an attorney about your retirement, pension, deferred compensation, § 401k plans and/or benefits. If you do not see an attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only an attorney can help you prepare these documents.

Case No. _____

- ☐ Each party is awarded his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

Petitioner's: _____

Respondent's: _____

OR

- ☐ The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) : Do not check this box without first seeking the help of an attorney.

OR

- ☐ Each party WAIVES AND GIVES UP his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

OR

- ☐ Neither party has a retirement, pension, deferred compensation, § 401K Plan and/or benefits.

OR

- ☐ Other: _____

4. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than 2 pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

- ☐ More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

- A. Real property located at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)
LEGAL DESCRIPTION: _____

The real property as described above is:

- ☐ Awarded to ☐ Petitioner ☐ Respondent as his or her sole and separate property.

OR

- ☐ *Shall be sold and the proceeds divided as follows:*

_____% or \$ _____ to Petitioner.
_____% or \$ _____ to Respondent.

Case No. _____

- ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.
- ☐ _____ is appointed real estate commissioner to sell this real property.

- B. Real property at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. (If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

- ☐ Awarded to ☐ Petitioner ☐ Respondent as his or her sole and separate property.

OR

- ☐ *Shall be sold and the proceeds divided as follows:*
_____ % or \$ _____ to
Petitioner.
_____ % or \$ _____ to
Respondent.

- ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.
- ☐ _____ is appointed real estate commissioner to sell this real property.

5. DIVISION OF COMMUNITY DEBTS. ☐ The following community debts shall be divided as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

- ☐ **Continued on reverse side or attached list.**

6. ☐ Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution or Legal Separation that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

Case No. _____

7. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. (Be specific)	Confirm to Petitioner	Confirm to Respondent

8. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(1) _____)
 Petitioner)
 vs.)
 (2) _____)
 Respondent)

(3) Case Number: _____

(4) ATLAS Number: _____

ORDER OF ASSIGNMENT

TO: Current and future employers or other payors of:

(5) Name: _____ SSN: _____

This order modifies and replaces any previous "Order of Assignment" with the same case number. You shall withhold court-ordered payments as follows:

Current Child Support	\$ _____
Current Spousal Maintenance/Support	\$ _____
Payments on Arrears / Interest	\$ _____
Clearinghouse Handling Fee	\$ _____ 2.25 per month*
TOTAL AMOUNT per month	\$ _____, but no more than
50% of disposable earnings (A.R.S. § 33-1131). *The Clearinghouse handling fee is set by statute and subject to change (A.R.S. § 25-510).	

This **"Order of Assignment"** is effective immediately upon receipt by an employer or other payor, including self-employed persons, and continues until further Order, or until a period of 90 continuous days from the last payment to the Obligor. If you are again obligated to pay monies to the Obligor within 90 days, you are again bound by **this "Order of Assignment."** Payment must be sent to the Support Payment Clearinghouse within two (2) business days of the date the monies were withheld.

This Order of Assignment terminates on the last day of _____, _____ unless it includes an arrearage payment, in which case the total amount listed above shall continue to be withheld until further order.

You shall NOT discharge or otherwise discipline the person named in this assignment, because of service of this "Order of Assignment."

The above ATLAS number and employee's name **must** appear on the *Transmittal Form or check*. Make payments payable and send to:

Support Payment Clearinghouse, P.O. Box 52107, Phoenix, AZ 85072-2107

Dated this _____ day of _____, 20____.

 Judicial Officer or Clerk of Superior Court

Case No. _____

ATLAS No. _____

ATTENTION: COURT DIVISION AND STAFF. DO NOT FILE THIS DOCUMENT.
DO NOT DISTRIBUTE THE COMPLETED JUDGMENT DATA SHEET TO THE
PARTIES. THIS FORM IS FOR CLERK OF COURT INTERNAL USE ONLY.

JUDGMENT DATA SHEET (FOR INTERNAL USE ONLY*)

PERSON TO RECEIVE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

PERSON TO MAKE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

EMPLOYER INFORMATION FOR PERSON MAKING PAYMENTS: Firm Name: _____

Payroll Mailing Address: _____

Phone: _____

Email Address: _____

CHILDREN:

Name	Gender (M/F)	Date of Birth	Social Security No. (if available)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

☐ Additional children listed on attached sheet.

FOR COURT USE ONLY

Order Date: _____	Type of Order: _____			
Current Child Support	Arrearages	Current Spousal Maint.	Arrearages	Miscellaneous
Amount _____	Amount _____	Amount _____	Amount _____	Med Ins _____
Frequency _____	Frequency _____	Frequency _____	Frequency _____	Frequency _____
Due Date _____	Total _____	Total _____	Total _____	Med Bills _____
	Thru Date _____	Due Date _____	Thru Date _____	Frequency _____
	Due Date _____		Due Date _____	Due Date _____